



**Bakke  
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ATTORNEYS AT LAW

September 17, 2020

**Filed via CM-ECF**

Judge Daniel M. Traynor  
200 East Rosser Avenue, Suite 411  
P.O. Box 670  
Bismarck, ND 58502-0670

**Re: Vanessa Dundon et al. v. Kyle Kirchmeier, et al.  
Civil Case No: 1:16-CV-00406**

Dear Judge Traynor:

Pursuant to the Court's *Order Converting Defendants' Motion to Dismiss into Motion for Summary Judgment and Deferring Ruling on Same, Granting Plaintiffs' Motion to Conduct Discovery, and Finding as Moot Plaintiff's' Motion for Hearing* (doc. 151) ("Order"), this letter shall serve as the detailed list of the discovery sought by the defendants in this matter. By making this submission as directed by the Court the Defendants do not hereby waive any appellate rights they may have in relation to the Order.

As the Court is aware, there are nine named plaintiffs in this matter. Although the Court's Order limits the parties' ability to depose five persons or entities, our request is to depose all nine plaintiffs in Bismarck or via Zoom, and to be allowed to serve discovery requests on all nine plaintiffs in order to analyze the legal claims against the respective defendants, and each plaintiffs' claimed damages. Defendants also request permission to conduct at least five (5) additional depositions of third-parties who may have witnessed the events at issue. The limitation to five depositions would effectively preclude defendants from deposing any third-party witnesses to the events at issue. If defendants are not permitted to conduct more than five depositions, we will follow up with plaintiffs' counsel in regards to the availability of each of the nine plaintiffs, the specific nature of their claims and alleged injuries, and make a selection of five individuals on the basis of the information provided.

The two (2) third-parties which we intend to subpoena records and information from are:

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1. Unicorn Riot, a Minnesota nonprofit corporation, having a registered office address of 4200 Cedar Avenue South, #5, Minneapolis, MN 55407, c/o Craig Andrew Neef, President; and
2. Myron Dewey, who is the president/owner of Digital Smoke Signals and is an investigative journalist. Dewey took drone videos during the protests.

The individuals upon whom we would intend to serve interrogatories not to exceed twelve in total, would be selected from the nine plaintiffs. However, as with depositions, we would request to be allowed to serve these interrogatories and requests for production on each of the nine plaintiffs.

Thank you for your consideration. We look forward to hearing from the Court.

Very truly yours,

*/s/ Randall J. Bakke*

Randall J. Bakke

RJB:sam

Traynor.1

cc: Rachel Lederman (via CM-ECF Filing Notification)  
Melinda Power (via CM-ECF Filing Notification)  
Mara Verheyden-Hilliard (via CM-ECF Filing Notification)  
Janine Hoft (via CM-ECF Filing Notification)  
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